

REMARKS

INTRODUCTION

In accordance with the foregoing, claim 12 has been amended. No new matter is being presented, and approval and entry are respectfully requested.

Claims 1-20 are pending and under consideration. Reconsideration is respectfully requested.

ENTRY OF RESPONSE UNDER 37 C.F.R. §1.116

Applicants request entry of this Rule 116 Response and Request for Reconsideration because:

(a) the amendment of claim 12 should not entail any further search by the Examiner since no new features are being added or no new issues are being raised; and/or

(b) the amendment does not significantly alter the scope of the claims and place the application at least into a better form for appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures sets forth in §714.12 that "[a]ny amendment that would place the case either in condition for allowance or in better form for appeal may be entered." (Underlining added for emphasis) Moreover, §714.13 sets forth that "[t]he Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified." The Manual of Patent Examining Procedures further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

CLAIM AMENDMENTS

Claim 12 has been amended to correct a typographical error.

REJECTIONS UNDER 35 U.S.C. §102 and §103

In the Office Action at pages 2-7, numbered item 3, claims 1, 2, 5-7, 10, and 12-20 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,446,109 to Gupta. In the Office Action at pages 7-12, numbered item 5, claims 3, 4, 8, 9, and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Gupta. These rejections are traversed and reconsideration is requested.

Independent claim 1 recites, in relevant part, “notifying from the terminal device to the delivering source device of information specifying resources to be delivered and a relay device for receiving the resources” and “delivering the resources specified by the notification from the delivering source device to the relay device specified by the notification.” Similar features are recited in independent claims 2, 3, 5, 7-11, 13-18, and 20.

In a non-limiting example, a terminal device located at a site can specify a particular webtop server before the terminal device travels to a different site, so that a desired set of data will be held by the particular webtop server before the terminal device arrives at the different site. The particular webtop server to which the data is to be delivered is specified in the information notified from the terminal device to the delivering source. Thus, as an advantage, the terminal device will be able to promptly obtain the data set upon arrival at the different site, and download time is reduced for downloading a data set from the application server to the webtop server.

In the Office Action at page 2, the Examiner establishes that the relay devices of the present invention correspond to the webtop servers of Gupta, the delivering source device corresponds to the production data center, and the terminal device corresponds to the client of Gupta. Applicants, however, respectfully disagree with the Examiner's position regarding Gupta, as set forth in the Examiner's Response to Arguments on pages 12-13.

Gupta teaches that, when a client (terminal device) requests application software or a service that is not resident on the webtop server (relay device), the webtop server (relay device) can obtain the requested software or service from the production data center (delivering source device). Thus, according to Gupta, the webtop server (relay device) is the device that receives notification from the client (terminal device) of information specifying resources to be delivered. In contrast, according to the present invention, the production data center (delivering source device) receives notification from the client (terminal device). Further, as Gupta teaches that the webtop server (relay device) from which the client (terminal device) requested application software/service can obtain the requested software or service, Applicants submit that Gupta

fails to teach or suggest that the production data center (delivering source device) receives notification from the client (terminal device) of a webtop server (relay device) to receive the resources, as claimed in the present invention. Accordingly, Applicants respectfully submit that Gupta fails to teach or suggest “notifying from the terminal device to the delivering source device of information specifying resources to be delivered and a relay device for receiving the resources.” Rather, Gupta teaches that the webtop server (relay device) functions as an intermediary between the client (terminal device) and the delivering source device. Further, as Gupta fails to teach or suggest notifying from the terminal device to the delivering source device information specifying a relay device for receiving the resources, Applicants respectfully submit that Gupta also fails to teach or suggest “delivering the resources specified by the notification from the delivering source device to the relay device specified by the notification,” as recited in the independent claims.

Further, the cited portion of Gupta specifies that the teachings of Gupta minimize the need to access application servers in the production data center. Gupta at col. 9, lines 64-65. In contrast, the present invention relies on delivering source devices for distribution of applications/services, and the delivering source devices are in contact with both the relay devices and terminal devices. Accordingly, Applicants respectfully submit that the present invention does not minimize the need to access the delivering source devices, but instead reduces download times and makes accessing resources made available in this fashion more convenient to users of the terminal device.

For at least these reasons, Applicants respectfully submit that independent claims 1-3, 5, 7-11, 13-18, and 20, and those claims depending directly or indirectly therefrom patentably distinguish over the prior art and, therefore, are in condition for allowance.

CONCLUSION

In accordance with the foregoing, it is respectfully submitted that all outstanding objections and rejections have been overcome and/or rendered moot. And further, that all pending claims patentably distinguish over the prior art. Thus, there being no further outstanding objections or rejections, the application is submitted as being in condition for allowance which action is earnestly solicited. At a minimum, this Amendment should be entered at least for purposes of Appeal as it either clarifies and/or narrows the issues for consideration by the Board.

If the Examiner has any remaining issues to be addressed, it is believed that prosecution can be expedited and possibly concluded by the Examiner contacting the undersigned attorney for a telephone interview to discuss any such remaining issues.

If there are any underpayments or overpayments of fees associated with the filing of this Amendment, please charge and/or credit the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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